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March 28, 2014

**BY EMAIL**

Ann Schrader  
Acclaim Investigations, LLC  
673 Grant Street  
Denver, Colorado 80203

**Re: Request for Information**

Dear Ms. Schrader:

On behalf of the Democratic Governors Association ("DGA"), we write in response to your request for information, delivered via email on March 24, 2014.

We note at the outset that you have asked for a significant amount of information in a short period of time. Notwithstanding this, we have endeavored to provide information responsive to your questions that pertain to the 2013 Summer Policy Conference held in Aspen, Colorado. However, given the unusually short timeframe, we reserve the right to supplement our response if additional facts are discovered.

**BACKGROUND**

We respond to your questions below. Before that, we wish to provide some context. The DGA is an association comprised of sitting Democratic governors. Throughout the year, the DGA holds policy conferences where governors and representatives from the private sector, including the business and policy community, meet to discuss policy. The conferences also serve as fundraising events for the DGA.

These conferences are typically held in states where there is an incumbent Democratic governor; less frequently, they are held in states where there is a Democratic candidate for governor. The host governor plays a crucial role at these conferences. The host governor is expected to sit on panels at the conference and introduce speakers. The host governor is also responsible for assisting the DGA in arranging for panelists and speakers. And finally, the host governor helps

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the DGA identify and recruit persons to attend the event and make contributions to the DGA. Governor Hickenlooper and members of his team performed these tasks in connection with the Summer Policy Conference.

Simply put, the DGA could not put on a policy conference without the assistance of the host governor and his team. Because of the immense value of the services that the host governor and his team provide, it is DGA protocol to waive the conference fee for the governor and his team; allow them to join other conference attendees at meals; and pay for their lodging costs. The value of the host governor and his team's services to the DGA far exceed the cost of paying for their hotel rooms and waiving their conference fees; and, frankly, it is not even close. It would be unfair and inappropriate to ask host governors and their teams to provide the DGA with such valuable services and not to at least offer to pay for the expenses that they incur as a result of providing the services. The DGA understands this to be standard protocol not only for its own organization, but for other similarly situated organizations as well.

### **RESPONSES TO SPECIFIC QUESTIONS**

These answers are based on conversations held with DGA staff, some of whose names are identified in question 3.

**1. Did the Democratic Governors Association develop the idea of the conference and holding it in Aspen or did the Colorado governor and his state staff, or his campaign?**

The DGA held a conference in Aspen, Colorado in 2010, which then-Mayor Hickenlooper hosted. DGA staffers with whom we spoke do not recall specifically whether the idea for holding the 2013 Summer Policy Conference originated with the DGA or the Governor's team.

**2. When was the Aspen conference placed on a schedule?**

The DGA executed a contract with the St. Regis hotel in Aspen, Colorado on November 5, 2012 to serve as the location for the Summer Policy Conference. The Summer Policy Conference was included on the schedule of DGA conferences distributed in early 2013.

**3. Who at the DGA (please provide their names and positions) worked on preparations for the conference? How much DGA staff time was devoted to preparing for the conference?**

The following DGA staff worked on preparations for the conference:

Roshan Patel – National Finance Director

Kelly Gleeson – Events Director

Anna Cleveland – Deputy Finance Director

Ala Fox – Finance Associate

Ian Walton – Policy Director

Bill Raines – Deputy Policy Director

Colm O’Comartun – Executive Director

Jen Ustynoski – Assistant to the Executive Director

The staff did not maintain time sheets or other records tracking how much time was spent preparing for the Summer Policy Conference. Based on our conversations with DGA staff, it is safe to say that each staff person – with the possible exception of Mr. O’Comartun – spent multiple hours preparing for the Summer Policy Conference.

**4. With whom on Gov. Hickenlooper’s staff and/or campaign did the DGA work to prepare for the conference? Was Gov. Hickenlooper directly involved in preparations?**

The DGA worked primarily with Laura Warren in preparing for the Summer Policy Conference. DGA staff also recall that the Governor’s former scheduler, Val Nosler, may have been on at least one planning call. The DGA understands that Governor Hickenlooper was involved in preparations for the conference, as all host Governors are, but Ms. Warren was the primary point of contact for DGA staff.

**5. Were the governor’s office and campaign workers’ conference expenses covered by the DGA? If so, what were those costs?**

It is standard policy for the DGA to waive the conference fees for the host governor and his team. It is the DGA’s understanding that the following persons attended some or all of the Summer Policy Conference: Governor Hickenlooper, Roxane White, Alan Salazar, and Laura Warren. The following persons also may have attended some or all of the Summer Policy Conference: Ben Davis and Will Shafroth.

All conference attendees received meals and beverages – the per-person cost of food and beverages for an attendee who attended every meal (including the sponsor dinner) was approximately \$495.

The DGA also paid for hotel rooms for two nights for Governor Hickenlooper (cost of \$1,778.58), Roxane White (\$1,066.26), Alan Salazar (\$1,066.26), and Laura Warren (\$927).

**6. Did the DGA imply or state that Gov. Hickenlooper would receive a campaign contribution from the association as the result of hosting the July 2013 event?**

No, the DGA did not offer Governor Hickenlooper a contribution in exchange for hosting the July 2013 event.

**7. Has Hickenlooper received funds from the DGA for his 2010 and 2014 campaign? If so, what were the amounts? If not, why not?**

No, the DGA did not make a contribution to Governor Hickenlooper's 2010 campaign and has not made a contribution to his 2014 campaign.

As for your final question, at this time, the DGA does not wish disclose non-public information about its past or future strategic campaign planning. It considers that information to be proprietary, confidential, and not subject to disclosure under the First Amendment. *See FEC v. Machinists Non-Partisan Political League*, 655 F.2d 380 (D.C. Cir. 1980); *FEC v. Florida for Kennedy Committee*, 681 F.2d 1281 (11th Cir. 1982); *FEC v. LaRouche Campaign*, 817 F.2d 233 (2d Cir. 1987); *Perry v. Schwarzenegger*, 591 F.3d 1147 (9th Cir. 2010).

**8. Has it been determined if Gov. Hickenlooper will receive a DGA contribution to his 2014 campaign? If so, how much?**

At this time, the DGA does not wish disclose non-public information about its past or future strategic campaign planning. It considers that information to be proprietary, confidential, and not subject to disclosure under the First Amendment. *See supra* cases cited in answer to question seven.

**9. How does the DGA decide which gubernatorial candidates will receive contributions?**

At this time, the DGA does not wish disclose non-public information about its past or future strategic campaign planning. It considers that information to be proprietary, confidential, and not subject to disclosure under the First Amendment. *See supra* cases cited in answer to question seven.

**10. How does the DGA make contributions to gubernatorial campaigns – is it directly?**

The DGA makes both monetary and in-kind contributions to gubernatorial campaigns.

**11. Is it common for the DGA to make contributions to governors that hosts events such as the Aspen conference? Please cite any past examples and include contribution amounts.**

Federal law requires the DGA to disclose its contributions and expenditures in excess of \$200 on reports filed with the Internal Revenue Service. These reports should contain the contribution information you are seeking and can be found here:

<http://forms.irs.gov/app/pod/basicSearch/search;jsessionid=4B529445EC5FC3418FA74373B8AE0BFD?execution=e1s1>.

**12. How was the invitation list for the conference developed?**

Invitees to the Summer Policy Conference included (i) Policy Conference sponsors and (ii) DGA members that had contributed at least \$10,000 to the DGA in 2013.

**13. How much money did Gov. Hickenlooper raise for the DGA at the Aspen conference?**

The Summer Policy Conference generated approximately \$840,000 in contributions to the DGA. Some of these funds were raised by DGA staff; some were raised by Governor Hickenlooper and his team.

**14. Who made the decision to hold the sponsor dinner as a closed-door event? Why was it closed? Was public policy discussed at that dinner?**

It is standard practice at DGA Policy Conferences to have an event limited to representatives of certain sponsors of the Conference. The sponsor dinner was that event at the Summer Policy Conference.

Yes, policy – specifically, energy policy – was discussed at the dinner.

**15. Who was Gov. Hickenlooper seated with at the sponsor dinner?**

The persons at Governor Hickenlooper's table included Ted Brown, Jim Campbell, Jim Carpenter, R. Stanton Dodge, Shanan Guinn, Bryon Horvath, Julia Levy, John Minge, Colm O'Comartun, Dan Pfeiffer, Pam Roth, Christopher Sherman, Michael J. Stratton, Hollie Velasquez, Roxane White, Peter Shumlin, and Lincoln Chafee. There may have been a few others as well. This should answer your follow up question via e-mail as well.

**16. No summary has been provided of what Gov. Hickenlooper said in remarks at the sponsor dinner. Can anyone at the DGA remember any highlights?**

See question 14 – the recollection is that the Governor discussed energy policy in his remarks.

**17. How many people attended the sponsor dinner?**

Approximately 17-20.

Ann Schrader  
March 28, 2014  
Page 6

**18. Does anyone at the DGA have knowledge of Gov. Hickenlooper receiving contributions to his campaign from any attendee at the conference?**

Nobody at the DGA with whom we spoke is aware of Governor Hickenlooper receiving contributions to his campaign at the conference from any attendee.

Very truly yours,



Marc E. Elias  
Jonathan S. Berkow  
Counsel to the Democratic Governors Association